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| CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 I hereby certify that this correspondence, totaling <u>4</u> pages including rectified attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-672-8306 (Central number) on the below date: Date: <u>March 25, 2005</u> Name: <u>David W. Okey, Esq.</u> Signature: <u>[Signature]</u> | |
|---|--|

**BRINKS
HOFER
GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: **Yan Zhou et al**
 Appln. No.: **10/652,269**
 Filed: **August 28, 2003**
 For: **Varying Refractive Index Optical Medium
Using at Least Two Materials with
Thicknesses Less Than a Wavelength**

Examiner: **Erin D. Chiem**
 Art Unit: **2883**

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MAR 25 2005**

Attorney Docket No: **10095/18**

Mail Stop Amendment
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Response to Restriction Requirement]
☐ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

| | | | | Small Entity | | Not a Small Entity | |
|---|----------------------------------|---------------------------------|---------------|--------------|-----------|--------------------|-----------|
| | Claims Remaining After Amendment | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | Rate | Add'l Fee |
| Total | Minus | | | x \$25= | | x \$50= | |
| Indep. | Minus | | | x 100= | | x \$200= | |
| First Presentation of Multiple Dep. Claim | | | | + \$180= | | + \$360= | |
| Total | | | | \$ | | Total \$ | |

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

25 MAR 2005
 Date

[Signature]
 David W. Okey, Esq. (Reg. No. 42,959)

I hereby certify that this correspondence is transmitted via facsimile to 1-703-872-9306, to the United States Patent Office and is addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on March 25, 2005
Date of Deposit

David W. Okey, Regis. No. 42,959

Name of applicant, assignee or
Registered Representative

Signature

Date of Signature

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MAR 25 2005

Our Case No. 10095/18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yan Zhou et al.

Serial No. 10/652,269

Filing Date: August 28, 2003

For: Varying Refractive Index Optical
Medium Using at Least Two
Materials with Thicknesses Less
Than a Wavelength

Examiner: Erin D. Chlem

Group Art Unit No. 2883

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the Office Action with a Restriction Requirement mailed on February 25, 2005, Applicants have timely responded in accordance with the certificate of facsimile transmission above. Applicants traverse the restriction requirement, elect Group I and elect Species 3, upon which species read Claims 1, 4, 10-20, 22-36, and 38-42.

Remarks/Arguments begin on p. 2 of this paper.